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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/755,162

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Norman Gennaro

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EXAMINER

PARKER, BRANDI P

ART UNIT

PAPER NUMBER

3624

MAIL DATE

DELIVERY MODE

02/03/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/755,162	<b>Applicant(s)</b> GENNARO ET AL.	
	<b>Examiner</b> BRANDI P. PARKER	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgements***

1. The following is a Final Office action in response to communications filed on 11/5/2008. No claims have been amended.

### ***Response to Applicant's Remarks***

2. In response to Applicant's argument that Cook in view of Johnson does not teach tabular worksheets, and thus does not teach or suggest the limitations in claims 1-14, Examiner respectfully disagrees. The mere arrangement and display of data does not affect the functionality of the underlying method of identifying sales opportunities within a territory and is not further limiting. *In re Gulack*, 217 USPQ 401 (Fed. Cir. 1983), *In re Ngai*, 70 USPQ2d (Fed. Cir. 2004), *In re Lowry*, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.01 II. Therefore, Cook in view of Johnson does teach and suggest the limitations of claims 1-14.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (US 2002/0059095) in view of Johnson et al (US 6067525).

5. With respect to claim 1 and 8, Cook teaches:

a. providing, from customers of the salesperson within the sales territory, information regarding customers' needs and information regarding an install base of products and/or services of the customers, the provided install base information including origination information indicating those products and/or services that originate from an employer of the salesperson (paragraph 0002, 0005, and 0012, regarding customer lead data, including customer needs; paragraph 0011, regarding "e-brochure" containing information relating to the products or services that the company is promoting; paragraph 0045, regarding customer representative logs on to the Lead Management Intranet using passwords assigned by sales territory);

b. from the provided customers' needs and install base information, tagging as sales opportunities those products and/or services offered for sale by the sales representative that match the customers' needs and those products and/or

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services of the customers' install base of products and/or services offered by the sales representative that the customers are likely to consider purchasing; storing the provided information in a database that is controlled by the salesperson's employer and that is accessible over a computer network (paragraph 0006, regarding matching the customer's product/service need requirements to the products and services that the company provides, paragraph 0012, regarding presenting to the customer lead an optimized solution to their problems by listing a range of potential product/service solutions),

c. providing the stored information in a tabular worksheet on a computer coupled to the network, the tabular worksheet being organized across the customers in the salesperson's sales territory and the products and/or services offered for sale by the salesperson, entries in the tabular worksheet identifying sales opportunities, the customers' install base of products and/or services, the origination information and unknown information that identifies where the sales representative should gather additional install base information (paragraph 0045, regarding generated reports and tabulated information regarding product/service features).

Cook does not teach including in the base of information regarding the offered products and services those products and/or services that originate from competitors of the salesperson's employer. However, Johnson teaches presenting the company's

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product information side-by-side with a competitor's product information (column/line 12/43-46). It would have been obvious to one of ordinary skill in the art to include the business methods of Cook with the ability to view competitor product/service information as taught by Johnson since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

6. Regarding claims 2-3, 5-7, 9-10, and 12-14, Cook in view of Johnson teaches the system of claim 1 and providing the stored information in a tabular worksheet. Cook in view of Johnson does not directly teach visually coding the tabular worksheet or customizing the appearance and ordering of entries in the worksheet, and limiting the results on information stored in the database. However, it is old and well known in the art to use spreadsheet applications, such as Microsoft Excel, to color-code and customize worksheets. Also, it is old and well known in the art to use a spreadsheet application such as Microsoft Excel to filter results in the spreadsheet based on a selected parameter. Therefore, it would have been obvious to one with ordinary skill in the art to include such features in the aforementioned claims in Cook to render the claims obvious, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

7. With respect to claims 4 and 11, Cook teaches the computer-implemented method of claim 1, wherein the provided information is selectively accessible, according to a sales hierarchy of the salesperson's employer (paragraph 0045, regarding access to the lead management intranet can be according to the levels of authority).

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI P. PARKER whose telephone number is (571) 272-9796. The examiner can normally be reached on Mon-Thurs. 8-5pm.

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11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley B. Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRANDI P PARKER/  
Examiner, Art Unit 3624

/Bradley B Bayat/  
Supervisory Patent Examiner, Art Unit 3624